

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

MAR 15 2001

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	FINDINGS OF FACT,
PETITIONER,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
VS.)	ORDER
)	
DOYLE D.YARNELL,)	
)	CAUSE NO. A- 1424
)	
RESPONDENT.)	

This matter came on for hearing on the 13th day of March, 2001, before Manuel Montelongo, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Christine Neighbors and Addie E. Patten, a Senior Certified Law Student. Doyle D. Yarnell, ("Respondent"), participated via telephone. The Respondent's attorney, Kirk Naylor, was present and represented the Respondent. The proceedings were tape recorded by Stacey Bellefeuille, a licensed Notary Public. Evidence was introduced, and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed resident Nebraska insurance agent whose current registered address with the Department is 70029 Yarnell Drive, Scottsbluff, Nebraska 69361. Respondent is currently an inmate at SCP Englewood, 9595 West Quincy Ave., Littleton, CO 80213.

2. The Department is the agency of the State of Nebraska charged with licensing insurance agents and brokers.

3. On or about December 15, 2000, the Respondent pled guilty to Bank Fraud, Aiding and Abetting, in violation of 18 U.S.C. § 1344 and 18 U.S.C. § 2; and Wire Fraud, Aiding and Abetting, in violation of 18 U.S.C. §1343 and 18 U.S.C. § 2.

4. On or about December 15, 2000, based upon the criminal convictions the Respondent was sentenced to incarceration in the Bureau of Prisons for eighteen months. Upon release from incarceration the Respondent will be on supervised release for five years. The Respondent was also ordered to pay \$27.5 million in restitution.

5. The Petition and Notice of Hearing were sent to the Respondent by mailing the same to his address of record by certified mail, return receipt requested. The Petition and Notice of Hearing were returned to the Department on February 12, 2001, as evidenced by the return receipt card attached to Exhibit # 2.

6. The Respondent submitted into the record several letters from his insurance clients that attest to his good reputation and competency in acting as their insurance agent. The Respondent cooperated with the government in the investigation and prosecution of other persons involved in the bank fraud scheme.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001 et seq.

2. The Department has personal jurisdiction over Respondent.

3. The Respondent violated Neb. Rev. Stat. §44-4028 (8) and §44-4015 (11).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that:

1. The Respondent's resident insurance agent license shall be revoked.

Dated this 16th day of March, 2001.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Manuel Montelongo
Manuel Montelongo
HEARING OFFICER

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of Doyle D. Yarnell, Cause No. A-1424.

Dated this 15th day of March, 2001.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

L. Tim Wagner
L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Kirk Naylor, Respondent's attorney at 1111 Lincoln, ^{Lincoln,} Nebraska 68508-3910, by certified mail, return receipt requested, on this 15th ^{Mail,} day of March, 2001.

Stacey M. Bellifemille